

The amendment to claim 1 reflects an innovative feature of the file, i.e. the fact that the abrading surface is roughened, as opposed to having teeth or other such regular structures. This feature distinguishes it from other technical solutions cited and constitutes an inventive step qualifying the invention for patent protection.

A roughened surface has an essentially random texture. That is, the surface has a more or less random structure of peaks and valleys, as opposed to (for example) an orderly arrangement of teeth. It will be appreciated that a roughened surface may be produced relatively simply, by processes including but not limited to sanding or acid-etching. In addition, for a glass file an abrading surface having a roughened texture is superior to an abrading surface having orderly teeth. An orderly arrangement of teeth typically constitutes a series of grooves cut into a surface. However, glass is weakened and easily broken along score lines; indeed, scoring is widely used as a method of deliberately breaking glass in a controlled fashion.

By contrast to this simple structure as indicated in amended Claim 1, the file described in Swiss Patent CH 237277 has a series of parallel teeth cut into a sheet of glass with a grinding wheel. It will be appreciated that such teeth must be ground with a relatively high degree of precision. Such a precision machining step is difficult and time-consuming, and is not easily adapted to mass production. In addition, each of the parallel cuts is a point of potential fracture, as noted above.

The structure of the file in question is not obvious to a person skilled in the art, and consequently involves an inventive step. In our opinion, the file according to International application No. PCT/CA98/00030 is simpler and therefor cheaper to produce than the current multi-layer nail files. Its present absence from the market is further indication that the structure of the file is not obvious.

Applicant respectfully requests that the preliminary amendment described herein be entered into the record prior to calculation of the filing fee and prior to examination and consideration of the above-identified application.




A copy of CH 237277 is submitted herewith along with an Information Disclosure Statement and an English-language translation of the patent.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's primary attorney-of record, John J. Gresens (Reg. No 33,112) at (612) 371-5265.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402
612/332-5300

Date: March 29, 2001



John J. Gresens
Reg. No. 33,112
JJG/MLL

